

COMMITTEE CONFERENCE  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:                     )  
  )  
Application for                         )  
Certification for the                 ) Docket No. 99-AFC-7  
PASTORIA ENERGY FACILITY         )  
(ENRON NORTH AMERICA CORP.)     )  
\_\_\_\_\_ )

HEARING ROOM B  
CALIFORNIA ENERGY COMMISSION  
1516 NINTH STREET  
SACRAMENTO, CALIFORNIA

FRIDAY, DECEMBER 15, 2000

2:03 P.M.

Reported by:  
Valorie Phillips  
Contract No. 170-99-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert A. Laurie, Presiding Member

STAFF PRESENT

Susan Gefter, Hearing Officer

Dick Ratliff, Staff Counsel

Kae C. Lewis, Project Manager

PUBLIC ADVISER

Roberta Mendonca

REPRESENTING THE APPLICANT

Allan Thompson, Attorney  
21 "C" Orinda Way, #314  
Orinda, CA 94563

Samuel L. Wehn, Director  
ENRON North America Corp.  
101 California Street, Suite 1950  
San Francisco, CA 94111

Jennifer L. Scholl, Senior Environmental Scientist  
URS Corporation  
130 Robin Hill Road, Suite 100  
Santa Barbara, CA 93117

C. J. (Joe) Patch, III, P.E., President  
Patch Incorporated  
1261 Travis Boulevard  
Fairfield, CA 94533

INTERVENORS

Mary Griffin  
Kern Audubon Society  
Bakersfield, CA

ALSO PRESENT

Catalin Micsa  
California Independent System Operator

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1 P R O C E E D I N G S

2 9:00 a.m.

3 PRESIDING MEMBER LAURIE: Ladies and  
4 gentlemen, good afternoon. My name is Robert  
5 Laurie, Presiding Member of the Siting Committee  
6 hearing the Pastoria Energy Project. And the  
7 purpose of today's hearing is to receive comments  
8 on the Presiding Member's Proposed Decision.

9 To my left is Ms. Susan Gefter, the  
10 Hearing Officer, who will preside over these  
11 proceedings. Ms. Gefter.

12 HEARING OFFICER GEFTER: Thank you.  
13 This is a teleconference and when we introduce  
14 people we would also ask the people on the phone  
15 to introduce themselves. And also when the people  
16 on the phone are speaking, please identify  
17 yourself for the reporter. This is being recorded  
18 and a transcript will be available on line in a  
19 few days.

20 First, I'd like the applicant to  
21 introduce themselves.

22 MR. THOMPSON: Thank you very much. My  
23 name is Allan Thompson. And to my right is Ms.  
24 Jennifer Scholl from URS Corporation. We also  
25 have Joe Patch from Patch Engineering here.

1 HEARING OFFICER GEFTER: I understand

2 Mr. Wehn is on the line, as well, on the phone.

3 Mr. Wehn, are you on the phone?

4 MR. WEHN: Yes, I am.

5 HEARING OFFICER GEFTER: Can you hear

6 us? Mr. Wehn, do you want to introduce yourself?

7 MR. WEHN: I'm sorry. Sam Wehn with

8 ENRON, the applicant.

9 HEARING OFFICER GEFTER: Thank you. Is

10 there anyone else from the applicant on the phone?

11 MS. GRIFFIN: Mary Griffin, Kern

12 Audubon.

13 HEARING OFFICER GEFTER: Okay, we'll get

14 to you in just a moment. Hold on a second.

15 Okay, we're going to ask the staff to

16 introduce themselves, please.

17 MR. MICSA: Also on the phone, Catalin

18 Micsa, California-ISO.

19 HEARING OFFICER GEFTER: Okay, thank

20 you. We'll get to you in just a moment. We're

21 going through each party and we're going to ask

22 the staff now to introduce themselves.

23 MS. LEWIS: I'm Kae Lewis, the Project

24 Manager.

25 MR. RATLIFF: Dick Ratliff, Counsel for

1 Staff.

2 HEARING OFFICER GEFTER: Thank you. And  
3 I understand there's somebody on the phone from  
4 Kern Audubon?

5 MS. GRIFFIN: Yes, and I can barely  
6 hear.

7 HEARING OFFICER GEFTER: Okay, we'll try  
8 to speak up. Could you state your name and spell  
9 it for the reporter, please.

10 MS. GRIFFIN: Mary, M-a-r-y, middle  
11 initial J, Griffin, G-r-i-f-f-i-n.

12 HEARING OFFICER GEFTER: Thank you, Ms.  
13 Griffin. And also on the phone is somebody from  
14 the Kern-Kaweah Sierra Club? No.

15 All right, Cal-ISO?

16 MR. MICSA: Catalin Micsa, C-a-t-a-l-i-n  
17 M-i-c-s-a.

18 HEARING OFFICER GEFTER: Is there anyone  
19 else on the phone at this point?

20 The purpose of today's hearing, as  
21 Commissioner Laurie indicated, is to take comments  
22 on the Presiding Member's Proposed Decision. We  
23 received comments from the staff and also from the  
24 applicant. None of these comments are substantive  
25 and they go to clarifications and corrections of

1 some of the language in the Presiding Member's  
2 Proposed Decision.

3 I would ask the applicant to give us a  
4 short presentation on the comments. And then  
5 we'll ask the staff to do the same, summarize your  
6 comments. And then we'll ask Ms. Griffin if she  
7 has any comments that she would like to add.

8 MR. THOMPSON: Thank you. This is Allan  
9 Thompson. First of all I want to commend the  
10 Committee --

11 PRESIDING MEMBER LAURIE: Wait a minute.

12 MS. MENDONCA: I just wanted the record  
13 to reflect that the Public Adviser was here.  
14 Sorry.

15 HEARING OFFICER GEFTER: Sorry, Ms.  
16 Mendonca was here. I see her but I forgot to  
17 introduce her. Thank you.

18 MR. THOMPSON: Thank you. This is Allan  
19 Thompson. I want to commend the Committee on the  
20 PMPD, on the amount of time it took, and the  
21 quality of the document.

22 I think I can relate to you that when we  
23 got the PMPD we distributed it to our engineering  
24 and environmental staff, as well as the applicant,  
25 and we got on the phone for what was scheduled to

1 be a multi-hour conference call to discuss it.  
2 And it lasted about ten minutes. And I think  
3 that's testament to the quality of the document.

4 We submitted comments, and I think the  
5 Hearing Officer correctly characterized them as  
6 non-substantive in nature.

7 There is one comment that I would like  
8 to offer further comment on, on page 2 under PMPD  
9 errata under air quality, we make a suggestion to  
10 page 102. And since making this we have had some  
11 discussions with staff.

12 And we would like to take the  
13 opportunity, if we can, to offer a clarification  
14 of this clarification in the next couple days.  
15 We're still working. We think it's important that  
16 we have an agreement with the staff on what this  
17 sentence would say.

18 And so if it's okay with the Committee  
19 we would like to be able to do that.

20 HEARING OFFICER GEFTER: Yes, I  
21 understand there has been some discussion between  
22 the applicant and staff on this proposed language  
23 change on page 102.

24 And since the comment period is not over  
25 until December 18th, and in fact you may make

1        comments up until the date of the business  
2        meeting, we would certainly prefer that the  
3        applicant and staff work out the language and  
4        present it to us in final form.

5                MR. THOMPSON: Thank you. Other than  
6        that I think that that concludes the comments that  
7        we have. We have nothing additional, other than  
8        what was covered in our filed documents.

9                HEARING OFFICER GEFTER: And I  
10       understand that your comments were docketed today.  
11       And were they also mailed and served on the other  
12       parties?

13               MR. THOMPSON: They were.

14               HEARING OFFICER GEFTER: All right,  
15       thank you.

16               MR. THOMPSON: One additional item, if I  
17       may. Also docketed today, for the benefit of the  
18       record, is a letter from Arvin High School  
19       regarding the commitment that the applicant is  
20       making to the local school.

21               We don't anticipate that that would  
22       change anything that has been written in the  
23       proposed decision, but it is for the benefit of  
24       the record.

25               HEARING OFFICER GEFTER: Thank you. I

1 have not seen that yet but I will look for it in  
2 the docket. Thank you.

3 I'd ask staff to summarize your  
4 comments.

5 MS. LEWIS: For the most part our  
6 comments are minor corrections and clarifications,  
7 and some exposition.

8 They were in the areas of biology  
9 compliance, cultural resources, efficiency and  
10 reliability, geology, alternatives, project  
11 description, land use, noise, socioeconomics,  
12 transmission and visual. So there was quite a  
13 number of areas, but it was all relatively minor.

14 HEARING OFFICER GEFTER: I have a  
15 question as to whether the applicant has any  
16 concerns about any other topics, other than the  
17 item that was mentioned earlier?

18 MR. THOMPSON: We do not.

19 HEARING OFFICER GEFTER: Thank you. Ms.  
20 Griffin, did you have comments that you would like  
21 to share with us today on the PMPD?

22 MS. GRIFFIN: Can you hear me?

23 HEARING OFFICER GEFTER: Yes, we can.

24 MS. GRIFFIN: I can barely hear you.

25 No, I'll make written comments.

1                   HEARING OFFICER GEFTER: Are you going  
2 to file written comments?

3                   MS. GRIFFIN: Excuse me, again?

4                   HEARING OFFICER GEFTER: Are you  
5 planning to file written comments?

6                   MS. GRIFFIN: Yes.

7                   HEARING OFFICER GEFTER: Okay, and will  
8 they be here on Monday? Monday is the last day to  
9 file your written comments.

10                  MS. GRIFFIN: Well, if I have to fax  
11 them, I will.

12                  HEARING OFFICER GEFTER: That's fine.  
13 Can you give us an idea of the extent of your  
14 comments?

15                  MS. GRIFFIN: I will be commenting on  
16 the final staff report. And I already sent you  
17 some comments about the biology. I emailed those.

18                  HEARING OFFICER GEFTER: Do you  
19 understand, Ms. Griffin, that at this point we're  
20 taking comments on the Presiding Member's Proposed  
21 Decision?

22                  MS. GRIFFIN: That's what I mean, the  
23 Decision, yes. There will be comments on that.

24                  HEARING OFFICER GEFTER: With respect to  
25 which topics?

1 MS. GRIFFIN: Biology.

2 HEARING OFFICER GEFTER: Thank you.

3 Okay. And I understand Mr. Micsa --

4 MS. GRIFFIN: And there were a few other  
5 things in there.

6 HEARING OFFICER GEFTER: We'll look for  
7 your comments.

8 MS. GRIFFIN: Okay.

9 HEARING OFFICER GEFTER: Thank you. Mr.  
10 Micsa, from Cal-ISO, I understand you're on the  
11 phone. Did you have any comments?

12 MR. MICSA: No, no comments.

13 HEARING OFFICER GEFTER: Thank you. At  
14 this point considering that the comments are  
15 essentially clarifications, except we have not  
16 seen Ms. Griffin's comments yet, what the  
17 Committee intends to do is issue what we call an  
18 errata to the PMPD. And that errata will be  
19 available at the business meeting, and will be  
20 incorporated into the PMPD for final consideration  
21 by the full Commission. And that would be at the  
22 business meeting on December 20th, which is next  
23 Wednesday.

24 I will try to get copies of the errata  
25 to the parties either by email or fax prior to

1 Wednesday, but if it doesn't occur you'll see it  
2 on Wednesday morning. It will reflect the  
3 comments of both the staff and applicant, and any  
4 comments that Ms. Griffin may propose that the  
5 Committee feels are clarifications of the evidence  
6 in the record.

7 Ms. Mendonca, we are about to wind up.  
8 Ms. Griffin indicated she wishes to fax her  
9 comments in.

10 At this point in the hearing there are  
11 no other comments that any party wishes to submit?

12 PRESIDING MEMBER LAURIE: Let's simply  
13 ask for public comment. Any member of the public  
14 wish to offer comment before we adjourn?

15 If not, the meeting stands adjourned.  
16 Thank you very much.

17 MR. THOMPSON: Thank you.

18 (Whereupon, at 2:13 p.m., the conference  
19 was concluded.)

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## CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS , an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Conference; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said conference, nor in any way interested in the outcome of said conference.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of December, 2000.

VALORIE PHILLIPS

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345